

REMARKS

In the final Office Action, the Examiner makes the following rejections:

- claims 1, 9, 12, and 16 are rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement;
- claims 12 and 16 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. (U.S. Patent Application Publication No. 2003/0055906) and SABO et al. (U.S. Patent Application Publication No. 2003/0096626);
- claims 1, 2, 6, 9, 13, and 17 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al., SABO et al., and KARVE (U.S. Patent Application Publication No. 2002/0137530);
- claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al., SABO et al., KARVE, and GOPINATH et al. (U.S. Patent Application Publication No. 2004/0002350);
- claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al., SABO et al., KARVE, and DEHLIN (U.S. Patent Application Publication No. 2004/0203942); and
- claims 7 and 10 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al., SABO et al., KARVE, and FOSTICK et al. (U.S. Patent Application Publication No. 2002/0187794).

Applicants respectfully traverse these rejections.

By way of the present amendment, Applicants amend claims 1-4, 6, 7, 9, 10, 12, and 16 to improve form; and add new claims 18-21. No new matter has been added by way of the present amendment. Claims 1-4, 6, 7, 9, 10, 12, 13, and 16-21 are pending.

Comments Regarding Personal Interview

As an initial observation, Applicants wish to express appreciation to Examiner Phan for the courtesy of the Personal Interview on June 23, 2010. In the Interview, Applicants' representative and Examiner Phan discussed proposed amendments to the pending claims, and

Examiner Phan indicated that the proposed amendments would raise new issues that would require a new search.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1, 9, 12, and 16 are rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

Without acquiescing in these allegations and merely to expedite prosecution, Applicants amend claims 1, 9, 12, and 16 to address the concerns raised in the final Office Action at pages 11 and 12. Applicants respectfully submit that amended claims 1, 9, 12, and 16 comply with the written description requirement under 35 U.S.C. § 112, first paragraph. Accordingly, reconsideration and withdrawal of the rejection of claims 1, 9, 12, and 16 under 35 U.S.C. § 112, first paragraph are respectfully requested.

**Rejection under 35 U.S.C. § 103(a) based on
PACKHAM et al. and SABO et al.**

Claims 12 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. and SABO et al. Applicants respectfully traverse this rejection.

For example, claim 12, as amended, recites an apparatus to provide short message service (SMS) messages to a user associated with a plurality of devices, comprising: means for storing information identifying a first preferred device, of the plurality of devices, a second preferred device, of the plurality of devices, a first specification of the first preferred device, and a second

specification of the second preferred device; means for receiving a SMS message identifying one device of the plurality of devices; means for selecting, as a preferred device, one of the first preferred device or the second preferred device, instead of the identified one device, for receiving the SMS message in response to receiving the SMS message, the preferred device being different than the identified one device, where the preferred device is identified without sending the SMS message to the identified one device, where the means for selecting the preferred device includes: means for selecting, as the preferred device, the first preferred device when the SMS message is received during a first time period associated with the first preferred device, and means for selecting, as the preferred device, the second preferred device when the SMS message is received during a second time period associated with the second preferred device, the second time period differing from the first time period, where a specification for the preferred device includes one of the first specification when the first preferred device is selected as the preferred device or the second specification when the second preferred device is selected as the preferred device; and means for sending the SMS message to the preferred device, the means for sending the SMS message comprising means for formatting, based on the specification of the preferred device, the SMS message in accordance with characteristics of the preferred device before sending the SMS message to the preferred device, where the means for sending the SMS message employs a pathway to the preferred device that does not include the identified one device. PACKHAM et al. and SABO et al. do not disclose or suggest one or more of these features.

For example, PACKHAM et al. and SABO et al. do not disclose or suggest means for selecting, as a preferred device, one of a first preferred device or a second preferred device,

instead of an identified one device (identified by a SMS message), for receiving the SMS message in response to receiving the SMS message, the preferred device being different than the identified one device, where the preferred device is identified without sending the SMS message to the identified one device, where the means for selecting the preferred device includes: means for selecting, as the preferred device, the first preferred device when the SMS message is received during a first time period associated with the first preferred device, and means for selecting, as the preferred device, the second preferred device when the SMS message is received during a second time period associated with the second preferred device, the second time period differing from the first time period.

With regard to claim 12, as previously presented, the Examiner alleges that identifying, by the server device, a second device of the plurality of devices as the preferred device, instead of the first device, to receive the SMS message based on the information stored by the receiving party at the server device, where the second device is identified without sending the SMS message to the first device are disclosed in PACKHAM et al. at paragraph 0019 and at FIG. 1 (final Office Action at page 13). Without acquiescing in this allegation, Applicants submit that neither these nor other sections of PACKHAM et al. disclose or suggest the above feature of claim 12, as amended.

At paragraph 0019, PACKHAM et al. discusses FIG. 1 and states:

As shown in FIG. 1, in a Universal Mobile Telecommunications System UMTS network, a short message service centre SMSC forwards a text message from a first user terminal 1 to a short message service Gateway mobile switching centre SMS/GMSC. The SMS/GMSC interrogates a home location register HLR for information such as location of the destination user terminal 2 and routing information thereto. By adding a function to the HLR, which identifies a text message and is capable of understanding forwarding information so as to give

updated (i.e. rerouted) routing information the text message would then be sent via the mobile switching centre MSC to the correct user terminal 3, which in this example is a mobile handset. Thus the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3, using the routing information provided by the HLR.

This section of PACKHAM et al. discloses, for example, a system that includes a home location register (HLR) to allow a user to store an association between a user terminal 2 and another user terminal 3. When a text messages is received by a Short Message Service Gateway Mobile Switching Center (SMS/GMSC) for a user terminal 2, the SMS/GMSC accesses the HLR to forward the text message to the other user terminal 3. Applicants submit, however, that this section of PACKHAM et al. does not disclose or suggest, in any way, that the HLR associates multiple other user terminals 3 with the user terminal 2, as would be required of PACKHAM et al. based on the Examiner's interpretation of claim 1. Moreover, since this section of PACKHAM et al. does not disclose or suggest associating multiple other user terminals 3 with the user terminal 2, this section of PACKHAM et al. cannot be reasonably construed to disclose or suggest that the SMS/GMSC selects a first one of the other user terminals 3 when the SMS message is received during a first time period (associated with the first other user terminal 3) and selects a second one of the other user terminals 3 when the SMS message is received during a second time period (associated with the second other user terminal 3), as would be further required of PACKHAM et al. based on the Examiner's interpretation of claim 1.

For at least these reasons, paragraph 0019 and FIG. 1 of PACKHAM et al. do not disclose or suggest selecting, as a preferred device, one of a first preferred device or a second preferred device, instead of an identified one device (identified by a SMS message), for receiving the SMS message in response to receiving the SMS message, the preferred device being different

than the identified one device, where the preferred device is identified without sending the SMS message to the identified one device, where the means for selecting the preferred device includes: means for selecting, as the preferred device, the first preferred device when the SMS message is received during a first time period associated with the first preferred device, and means for selecting, as the preferred device, the second preferred device when the SMS message is received during a second time period associated with the second preferred device, the second time period differing from the first time period, as recited in amended claim 12.

Applicants further submit that the disclosure in SABO et al. does cure the deficiencies in the disclosure of PACKHAM et al. with respect to the above-identified features of claim 1, as amended.

For at least the foregoing reasons, claim 12 is patentable over PACKHAM et al. and SABO et al., taken alone or in any reasonable combination.

Claim 16, as amended, recites features similar to (yet potentially of different scope from) the above-identified features of claim 12. Claim 16 is, therefore, allowable over PACKHAM et al. and SABO et al., taken alone or in any reasonable combination, for at least reasons similar to the reasons presented above with respect to claim 12.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection of claims 12 and 16.

**Rejection under 35 U.S.C. § 103(a) based on
PACKHAM et al., KARVE, and SABO et al.**

Claims 1, 2, 6, 9, 13, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al., KARVE, SABO et al. Applicants respectfully traverse this rejection.

Independent claims 1 and 9, as amended, recite features similar to (yet potentially of different scope from) the above-identified features of claim 12. Applicants submit that the disclosure in KARVE does not cure the above-described deficiencies in the disclosures of PACKHAM et al. and the disclosure of SABO et al. Claims 1 and 9 are, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al., KARVE, and SABO et al., taken alone or in any reasonable combination, for at least reasons similar to the reasons presented above with respect to claim 12. Without acquiescing in these allegations, claims 2 and 6 depend from claim 1 and are, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al., KARVE, and SABO et al., taken alone or in any reasonable combination, for at least the reasons presented above with respect to claim 1.

Claims 13 and 17 depend, respectively, from claims 12 and 16. The disclosure in KARVE does not cure the above-described deficiencies in the disclosures of PACKHAM et al. and SABO et al. with respect to the features of claim 12 and 16. Without acquiescing in these allegations, Applicants submit that claims 13 and 17 are, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al., KARVE, and SABO et al., taken alone or in any reasonable combination, for at least the reasons presented above with respect to claims 12 and 16.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection of claims 1, 2, 6, 9, 13, and 17.

***Rejection under 35 U.S.C. § 103(a) based on
PACKHAM et al., KARVE, SABO et al., and GOPINATH***

Claim 3 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al. KARVE, SABO et al., and GOPINATH et al. Applicants respectfully traverse this rejection.

Claim 3 depends from claim 1. Applicants submit that the disclosure in GOPINATH et al. does not cure the above-described deficiencies in the disclosures of PACKHAM et al., KARVE, and SABO et al. with respect to claim 1. Without acquiescing in these allegations, Applicants submit that claim 3 is, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al., KARVE, SABO et al., and GOPINATH et al., taken alone or in any reasonable combination, for at least the reasons presented above with respect to claim 1.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection of claim 3.

***Rejection under 35 U.S.C. § 103(a) based on
PACKHAM et al., KARVE, SABO et al., and DEHLIN***

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al., KARVE, SABO et al., and DEHLIN. Applicants respectfully traverse this rejection.

Claim 4 depends from claim 1. Applicants submit that the disclosure in DEHLIN does not cure the above-described deficiencies in the disclosures of PACKHAM et al., KARVE, and SABO et al. with respect to claim 1. Without acquiescing in these allegations, Applicants submit that claim 4 is, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al., KARVE, SABO et al., and DEHLIN, taken alone or in any reasonable combination, for at least the reasons presented above with respect to claim 1.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection of claim 4.

***Rejection under 35 U.S.C. § 103(a) based on
PACKHAM et al., KARVE, SABO et al., and FOSTICK et al.***

Claims 7 and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PACKHAM et al., KARVE, SABO et al., and FOSTICK et al. Applicants respectfully traverse this rejection.

Claims 7 and 10 depend, respectively, from claims 1 and 9. Applicants submit that the disclosure in FOSTICK et al. does not cure the above-described deficiencies in the disclosures of PACKHAM et al., KARVE, and SABO et al. with respect to claims 1 and 9. Without acquiescing in these allegations, Applicants submit that claims 7 and 10 are, therefore, allowable under 35 U.S.C. § 103(a) over PACKHAM et al., KARVE, SABO et al., and FOSTICK et al., taken alone or in any reasonable combination, for at least the reasons presented above with respect to claims 1 and 9.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection of claims 7 and 10.

New Claim

New claims 18-21 depend, respectively, from claims 1, 9, 12, and 16 and are, therefore, allowable over the references applied in the final Office Action for at least the reasons presented above with respect to claims 1, 9, 12, and 16.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of this application.

As Applicants' remarks with respect to the Examiner's assertions are sufficient to overcome the rejections in the final Office Action, Applicants' silence as to the assertions by the Examiner in the final Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, assertions as to dependent claims, reasons to modify a reference and/or combine references, assertions regarding official notice, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: /David D. Nelson, Reg. No. 47818/
David D. Nelson
Registration No. 47,818

Date: August 10, 2010
11350 Random Hills
Road, Suite 600
Fairfax, Virginia 22030
(571) 432-0800
Customer Number: 25537